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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,824	08/31/1999	YASUJI OTA	FUJO-16.446	1838

26304 7590 04/07/2003  
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EXAMINER
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AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2654  
DATE MAILED: 04/07/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/386,824	OTA ET AL.
	Examiner	Art Unit
	ABUL K. AZAD	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 January 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Response to Amendment***

1. This action is in response to the continued prosecution application and the preliminary amendment filed on January 14, 2003.
2. Claims 1-18 are pending in this action. Claims 1, 2, 4, 7, 8, 10 and 13-18 have been amended.
3. The applicant's arguments with respect to claims 1-18 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) The invention was described in –  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozawa (US 5,963,896).

As per claim 1, Ozawa teaches, “a voice coding method based on analysis-by-synthesis vector quantization using a code book containing a voice source code vector having only a plurality of non-zero amplitude values,” comprising the step of:

“using a configuration variable code book containing a voice source code vector having only a plurality of non-zero amplitude values” (col. 3, lines 8-24; M non-zero amplitude pulse)

“variably replacing a position of a sample of the non-zero amplitude value in the configuration variable code book using an index and a transmission parameter indicating a feature amount of the voice” (col. 3, lines 8-24).

As per claim 2, Ozawa teaches, “variably replacing the position of the sample of the non-zero amplitude value in the configuration variable code book using the index and a lag value corresponding to a pitch period which is transmission parameter indicating the feature amount of voice” (col. 3, lines 25-62).

As per claim 3, Ozawa teaches, “reconstructing the position of the sample of the non-zero amplitude value within a region corresponding value in the configuration variable code book within a region corresponding to the lag value depending on the pitch gain value” (col. 17, line 50 to col. 18, line 58).

As per claims 4-18, they have similar limitations as claim 1-3, so claims 4-18 are also rejected for the same reasons.

#### ***Response to Arguments***

6. The applicant argues as: “in contrast, the present invention differs as follows. A non-zero amplitude pulse series is generated by the configuration variable codebook,

which is determined in accordance to a rule that is set by another transmission parameter such as pitch period value. The positions and amplitude are not determined respectively for the received speech signals. But are selected as the most optimum series from entries in the configuration variable codebook of which the contents are varied optimized by a certain rule. As a result of this configuration associated with the present invention, it is not required to transmit any supplementary information".

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the positions and amplitude are not determined respectively for the received speech signals. But are selected as the most optimum series from entries in the configuration variable codebook of which the contents are varied optimized by a certain rule. As a result of this configuration associated with the present invention, it is not required to transmit any supplementary information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is (703) 305-3838.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Marsha D. Banks-Harold**, can be reached at (703) 305-4379.

Any response to this action should be mailed to:

**Commissioner for Patents**

**Washington, D.C. 20231**

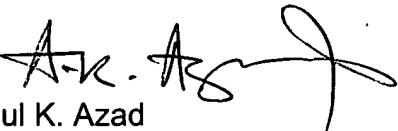
Or faxed to:

**(703) 872-9314**

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should  
be directed to the Technology Center's Customer Service Office whose telephone  
number is **(703) 306-0377**.

  
Abul K. Azad

April 4, 2003